

August 24, 2020

**BY ECF**

The Honorable Vernon S. Broderick  
Thurgood Marshall U.S. Courthouse  
United States District Court for the Southern District of New York  
40 Foley Square, Room 415  
New York, NY 10007

Re: Joint letter regarding the status of *State of New York v. U.S. Dep't of Homeland Security, et al.*, No. 20 Civ. 5349 (VSB)

Dear Judge Broderick,

Pursuant to the Court's Order of July 29, 2020 and Rule 1(A) of the Court's Individual Rules & Practices in Civil Cases, the parties submit this joint letter to respectfully request that the Court hold this case in abeyance for an additional 21 days, with a joint status report to be filed on or before September 14, 2020.

On July 13, 2020, Plaintiff filed a complaint and motion for a temporary restraining order, preliminary injunction, or stay to enjoin the July 6, 2020, U.S. Immigration & Customs Enforcement Broadcast Message relating to F and M nonimmigrant students. On July 14, Defendants announced the nationwide rescission of: (1) the July 6 Broadcast Message; (2) the July 7, 2020 FAQ relating to the July 6, 2020 Broadcast Message; and (3) implementation of the July 2020 Guidance and related FAQ. On July 15, 2020 the parties appeared before the Court for a status conference. In light of the July 14 rescission, the Court entered an order on July 16, 2020 denying Plaintiff's motions as moot, and directing the parties to submit a joint proposed stipulation resolving this matter by July 24, 2020. ECF No. 26. The parties subsequently requested, and the Court granted, a 30-day abeyance, to August 24, 2020, to enable Plaintiff to determine whether the rescission announced on July 14, 2020 has been fully implemented. ECF No. 28.

The parties now request an additional 21-day period of abeyance so that they can continue to meet and confer on this issue.

Plaintiff has received preliminary reports from its client institutions that Defendants and/or Defendants' agents are continuing to enforce the July 6, 2020 Broadcast Message and that there is significant confusion among international students attempting to travel to the United States regarding the status of the July 6, 2020 Broadcast Message. The parties seek additional time to discuss whether any ongoing challenges related to the July 6, 2020 Broadcast Message may be addressed and resolved consensually.

Furthermore, Plaintiff anticipates gathering additional facts from its client institutions concerning ongoing harms arising out of the implementation of the July 6, 2020 Broadcast

Message in the coming weeks, as additional international students are expected to seek entry to the United States between now and early September.

The parties respectfully request the opportunity to continue to meet and confer on this matter, and to provide a joint status report to the Court on or before September 14, 2020.

Respectfully submitted,

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